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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,849	11/29/2001	Si Q. Zheng	135818	4639
24587	7590	11/18/2004	EXAMINER	
ALCATEL USA INTELLECTUAL PROPERTY DEPARTMENT 3400 W. PLANO PARKWAY, MS LEGL2 PLANO, TX 75075			LEE, DAVID J	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,849

Applicant(s)

ZHENG ET AL.

Examiner

David Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/27/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tancevski (US Patent No. 6,493,120) in view of Chaudhuri et al. (US Patent No. 6,587,235).

Regarding claims 1 and 6, Tancevski teaches an optical burst-switched router (fig. 4), comprising: an optical switch (fig. 2B – 14) for routing optical information from an incoming optical transmission medium (fig. 4 – 25) to one of a plurality of outgoing optical transmission media (fig. 4 – 35), wherein each of the outgoing optical transmission media can transmit data over a plurality of channels (col. 1, lines 18-21); scheduling circuits each associated with a respective outgoing medium (col. 1, lines 66-67), each scheduling circuit comprising: one or more associative processors storing information indicative of times available for scheduling a data burst on said associated outgoing optical transmission medium (col. 1, line 66 to col. 2, 12); and circuitry for controlling said one or more associative processors to find an available time on one of a plurality of channels (col. 2, lines 4-12). However, Tancevski does not disclose circuitry for assigning a group identifier to each channel. Chaudhuri discloses

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circuitry for assigning a group identifier to each channel (col. 5, lines 64-67: channels are grouped into different groups according to characteristics of each of the channels). One of ordinary skill in the art would have been motivated to assign a group identifier to each channel as indicated by Chaudhuri to the optical burst network of Tancevski in order to provide organizational capacities and thus, more versatility in the functionality of each channel. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include circuitry for assigning a group identifier to each channel as indicated by Chaudhuri in the system of Tancevski.

Regarding claims 2 and 7, Tancevski discloses that the incoming optical transmission medium and said outgoing optical transmission media comprise optical fibers (col. 1, line 58).

Regarding claims 3 and 8, Chaudhuri discloses that one or more of said channels are assigned a group identifier to identify the channels being tested (col. 4, lines 40-43: it is inherent that by assigning priority levels for restoration, each of the channels must be assigned to a group to be tested and prioritized).

Regarding claims 4 and 9, Chaudhuri discloses that one or more of said channels are assigned a group identifier to identify the channels as failed channels (col. 3, lines 23-26: the channels that are not being restored are considered failed channels, and can be considered being "assigned" and "identified" as a group of failed channels).

Regarding claims 5 and 10, Chaudhuri discloses that one or more of said channels are assigned a group identifier to identify the channels as reserved

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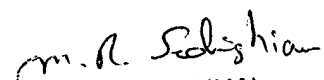
channels (col. 3, lines 8-10: the protection channels are reserved channels. If failure results on one of group of working channels, the reserved/protection channels 330 and 380 take over).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lee whose telephone number is (571) 272-2220. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Lee


M. R. SEDIGHIAN
PRIMARY EXAMINER